

REMARKS

Claims 9-18 currently appear in this application. The Office Action of September 9, 2004, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claims 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Begum.

This rejection is respectfully traversed. The filing date of Begum is October 17, 2002. Submitted herewith, which was inadvertently omitted from the response filed November 4, 2004, is the declaration of the inventor declaring that she conceived of the invention prior to October 17, 2002. Accordingly, it is respectfully submitted that Begum is not a valid reference against the present application.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Begum in view of Saint-Rapt et al.

This rejection is respectfully traversed. The declaration under 35 CFR 1.131 has removed Begum as a reference. Saint-Rapt et al. disclose a gas mask which would inhibit the wearer from breathing the ambient air. The mask of the present invention is comprised substantially of

filtering media for filtering air to the wearer, which would be completely unsuitable material for making a gas mask.

It is noted that the prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By: 

Anne M. Kornbau
Registration No. 25,884

AMK:srd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\D\Deca\DeCastro 10\Pto\AMD 19 Nov 04.doc